

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 28 May 2013

Public Authority: Copeland Borough Council
Address: The Copeland Centre
Catherine Street
Whitehaven
Cumbria
CA28 7SJ

Decision (including any steps ordered)

1. The complainant requested information relating to building regulations on rainwater drainage. Copeland Borough Council (the Council) failed to respond to this request within 20 working days of receipt and, in so doing, breached regulation 5(2) of the EIR.

Request and response

2. On 13 September 2012, the complainant wrote to the Council and requested information in the following terms:

"Please provide me with a copy of the overview of the basic requirement of Approved Document H in relation to the control of surface water which was provided to Cumbria County Council officers approximately 2 years ago."
3. The Council responded substantively on 1 November 2012, more than twenty working days from receipt of the request.

Scope of the case

4. The complainant contacted the Commissioner initially on 17 October 2012. It was later clarified with the complainant that she wished the ICO

to issue a decision notice recording the delay by the Council in providing a response to her information request.

Reasons for decision

Regulation 2

5. The first question for the Commissioner to address here is whether the information is environmental in accordance with the definition given in regulation 2(1) of the EIR. Environmental information is defined within regulation 2(1) as follows:

"any information in written, visual, aural, electronic or any other material form on –

(a) the state of the environment, such as air and atmosphere, water, soil, land and landscape and natural sites including wetlands...

(b) factors, such as substances, energy, noise, radiation or waste, emissions...affecting or likely to affect the elements of the environment referred to in (a);

(c) measures (including administrative measures), such as policies, legislation, plans, programmes...and activities affecting or likely to affect the elements and factors referred to in (a) and (b)...".

6. The information requested by the complainant in this case relates to building regulations concerning rainwater drainage. The view of the Commissioner is that these regulations would affect emissions of water, and so are a measure falling within regulation 2(1)(c) as they would affect elements and factors referred to regulations 2(1)(a) and (b). The information requested by the complainant is information on those regulations and, therefore, it is environmental information. The Commissioner will therefore consider whether the request was dealt with in accordance with the EIR.

Regulation 5

7. Regulation 5(2) of the EIR requires that environmental information should be disclosed as soon as possible following receipt of a request and, in any event, within 20 working days. In this case the Council failed to respond to the request within 20 working days of receipt and, therefore, it breached the requirement of regulation 5(2). The Council

should ensure that there is no repetition of this breach in relation to future requests.

Right of appeal

8. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

9. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
10. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF